

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

SIDNEY ALBERT POTTS,

Petitioner,

v.

MIKE OBENLAND,

Respondent.

CASE NO. C19-5541 BHS

ORDER TO SHOW CAUSE

This matter comes before the Court on Petitioner Sidney Potts' amended petition for writ of habeas corpus. Dkt. 12.

The Court has been advised by staff at Monroe Correctional Complex that Mr. Potts passed away on January 21, 2021. The petition for a writ of habeas corpus should be dismissed as moot if Mr. Potts has in fact passed away. *See, e.g., Griffey v. Lindsey*, 349 F.3d 1157 (9th Cir. 2003); *Germino v. Marshall*, No. CIV S-08-3010, 2010 WL 5393907, at \*1 (E.D. Cal. Dec. 21, 2010) ("I[n] these habeas proceedings the relief sought, i.e., petitioner's immediate release from custody, is unique to the petitioner himself and cannot be transferred."); *Pennewell v. Carey*, No. 2:06-cv-0598 JKS EFB, 2008 WL 1860166, at \* 1 (E.D. Cal. Apr. 23, 2008) (citing Fed. R. Civ. P. 25(a)) ("In

1 other words, the claims [are] extinguished upon [a] petitioner's death and no party can be  
2 substituted for him."").

3 Therefore, the Respondent is ordered to show cause, no later than February 24,  
4 2021, as to why this action should not be dismissed as moot pursuant to the above  
5 authority.

6 **IT IS SO ORDERED.**

7 Dated this 12th day of February, 2021.

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10 BENJAMIN H. SETTLE  
United States District Judge